IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

WRIT PETITION NO.5818 OF 2007

Smt.Baby Appa More .. Petitioner

Versus

Dinesh Gangaram Devargavkar .. Respondent.

Mr.R.N. Gite for the Petitioner.

CORAM : J.P. DEVADHAR, J.

DATED : 25TH OCTOBER, 2007.

P.C. :

1. This petition is filed against the Judgment and order dated 11th August, 2007 passed by the learned Civil Judge Junior Division, Nasik in Regular Civil Suit No.462 of 2006. By the said order, the learned Judge has rejected the application filed by the petitioner/defendant seeking to implead the State Government as a party to the Suit. The findings given by the lower Court for rejecting the application is that there is no relief of any nature whatsoever has been claimed by the plaintiff against the State Government. It is contended by the petitioner that the land in question has been allotted by the State Government to the Plaintiff and, therefore, it is necessary to implead the State as a party-defendant.

2. There is no merit in this contention,

because if the land in question is allotted by the State Government to the Plaintiff then it is open to the petitioner to produce document in that behalf. For that, it is not necessary to implead the State as a party-defendant. In this view of the matter, I do not find any infirmity in the order passed by the C.J.J.D., Nasik. Accordingly, there is no merit in the petition and the same is dismissed.

(J.P. DEVADHAR, J.)